

**MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

Enoch Adams, Jr., et al. v. Teck Cominco Alaska Inc., et al.

THE HONORABLE JOHN W. SEDWICK 3:04-cv-00049 JWS

PROCEEDINGS: **ORDER FROM CHAMBERS** **August 7, 2008**

The court has viewed with increasing dismay the escalating animosity between counsel for plaintiffs and counsel for defendant Teck Cominco reflected in papers being filed in this case. It appears clear to the court that the parties have exerted enormous effort to settle this case and have in fact settled it in all material respects, but that details respecting the paperwork remain to be buttoned up. It also appears clear that while counsel should have been able to resolve the issues respecting the paperwork without court intervention, they have not. Under the circumstances, the court has determined that requiring the parties to appear before a settlement judge in the immediate future is the best way to draw this litigation to a prompt conclusion.

For the reasons above, **IT IS ORDERED:**

(1) Plaintiffs and defendant Teck Cominco shall each deliver a settlement memorandum not to exceed 5 pages (exclusive of the cover page, for the caption of this case is lengthy) to the chambers of Hon. Timothy M. Burgess no later than **10:00 AM on Tuesday, August 12, 2008**. The settlement memoranda shall not be filed on the docket, and shall not be disclosed to the trial judge. Judge Burgess will not disclose one party's settlement memorandum to the other party without first conferring with the parties.

(2) Appended to each 5-page settlement memorandum there shall be a copy of the Settlement Agreement and the proposed Consent Decree which shall be highlighted or otherwise interlineated to show Judge Burgess precisely where the parties have disagreements on the language to be used.

(3) Intervenor-defendants shall not file any papers with Judge Burgess.

(4) At **3:00 PM on Friday, August 15, 2008**, counsel for and a representative of plaintiffs and defendant Teck Cominco with full authority to settle this case shall personally attend a settlement conference in Judge Burgess' chambers.

(5) Counsel for the intervenor-defendants may, but are not required to, attend the settlement conference before Judge Burgess.
